

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Allen, *et al.*

APPLICATION No.: Not yet Assigned

FILED: Concurrently Herewith

FOR: THERAPEUTIC LIPOSOME COMPOSITION  
AND METHOD OF PREPARATION

EXAMINER: Unassigned

ART UNIT: Unassigned

22581 U.S. PTO  
10/821021**Transmittal of Continuation Patent Application**  
**for Filing Under 37 CFR §1.53(b)****Mail Stop Patent Application**  
**Commissioner for Patents**  
**P.O. Box 1450**  
**Alexandria, VA 22313-1450**

Sir: Transmitted herewith for filing is a patent application by inventor(s): Theresa M. Allen, Paul S. Uster, Francis J. Martin, and Samuel Zalipsky, and entitled:

**Therapeutic Liposome Composition and Method of Preparation**1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp
- ☒ One utility patent application containing text pages 1-41 and
  - ☒ 5 Sheets of drawings
- ☒ Copies of 2 Declarations of Inventorship from parent Application No. 09/138,480
- ☒ A Preliminary Amendment
- ☒ An Information Disclosure Statement, Form PTO-1149, 2 References

2. Amendment

- ☒ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.

3. Extension of Time

- ☒ Conditional Petition for Extension of Time: An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. U.S. Priority

- ☒ This application is a continuation of U.S. Application No. 09/876,707 filed June 7, 2001, now pending; which is a division of U.S. Application No. 09/517,224 filed March 2, 2000, now U.S. Patent No. 6,316,024; which is a division of U.S. Application No. 09/138,480 filed August 21, 1998, now U.S. Patent No. 6,056,973; which is a continuation-in-part of U.S. Application Serial No. 08/949,046, filed October 10, 1997, now U.S. Patent No. 5,891,468; which claims the priority of U.S. Provisional Application Serial No. 60/028,269, filed October 11, 1996, now abandoned. Each of these documents is incorporated herein by reference.

5. Foreign Priority

- ☐ Priority of Application No. filed in on is claimed under 35 USC §119.  
☐ A certified copy of this priority document is enclosed.

6. Prior Documents Still In Effect

- ☒ This application and parent application, Application No. 09/138,480, filed August 21, 1998 are assigned of record to Alza Corporation, by virtue of its acquisition of Sequus Pharmaceuticals, Inc. and by virtue of an Assignment to Sequus Pharmaceuticals, Inc. as recorded in the U.S. Patent and Trademark Office at Reel 9618 and Frame 0089 on December 3, 1998.
- ☒ Power of Attorney in the above-identified prior application is to Judy M. Mohr, Reg. No. 38,563, and the other attorneys or agents identified therein.

7. Entity Status

- ☒ Large entity status applies to this application.

8. Fees

The filing fee has been calculated taking into account any amendments in section 2 above:

For:	(Col. 1) No. Filed	(Col. 2) No. Extra	Small Entity			Other Than a Small Entity	
			Rate	Fee		Rate	Fee
Basic Fee				\$385.00	or		\$770.00
Total Claims	24 - 20	4	x \$ 9 =	\$	or	x \$ 18 =	\$72.00
Independent Claims	2 - 3	0	x \$43 =	\$	or	x \$ 86 =	\$
<input type="checkbox"/> Multiple Dependent Claim Presented			+ \$145 =	\$	or	+ \$290 =	\$
*If the difference in Col. 1 is less than zero, enter "0" in Col. 2.			TOTAL	\$	or	TOTAL	\$842.00

- ☒ A check in the amount of \$842.00 is enclosed to cover the Filing Fee. The Commissioner is hereby authorized to charge any deficiency in fees under 37 CFR 1.16 and 1.17 to Deposit Account No. 50-2207.

Respectfully submitted,

Date: April 7, 2004

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